

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CONNIE HERNANDEZ, et al.,

Plaintiffs,

v.

CIV-08-0097 MV/LAM

KAY JORGENSEN, et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

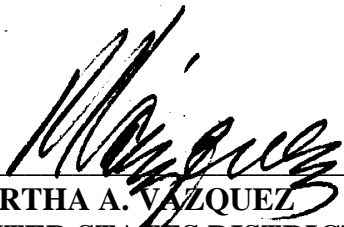
THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' Proposed Findings and Recommended Disposition (*Doc. 57*) (hereinafter, "PF&RD"), filed on December 17, 2008. The parties to this case have waived their right to file objections to the PF&RD pursuant to 28 U.S.C. § 636(b)(1). *See* Plaintiffs' Waiver of Ten-Day Objection Period (*Doc. 58*), filed on December 17, 2008, Waiver of 10-Day Objection Period by Defendants Adams and Robbins (*Doc. 60*), filed on December 19, 2008, and Waiver of 10-Day Objection Period by Defendant Kay Jorgensen (*Doc. 61*), filed on December 19, 2008. The Court has reviewed the PF&RD, the record of this case and relevant law and determined that it will adopt the PF&RD; grant Plaintiffs' Motion for Approval of Settlement on Behalf of Minors (*Doc. 48*); approve the settlements for the benefit of minor children C.M. and R.M. and the methods of distributing the settlement proceeds to said minor children described as the "first proposal" in the Report of Guardian Ad Litem (*Doc. 47*); and approve as fair and reasonable the guardian *ad litem's* fees and costs described in her

Supplemental Guardian Ad Litem Report (*Doc. 55*) and order the payment of such fees and costs as set forth as set forth herein.

IT IS THEREFORE ORDERED THAT:

1. The Proposed Findings and Recommended Disposition (*Doc. 57*) are **ADOPTED** by the Court;
2. Plaintiffs' Motion for Approval of Settlement on Behalf of Minors (*Doc. 48*) is **GRANTED**;
3. The settlements for the benefit of minor children C.M. and R.M. and the methods of distributing the settlement proceeds to said minor children described as the "first proposal" in the Report of Guardian Ad Litem (*Doc. 47*) are **APPROVED**;
4. The guardian *ad litem*'s fees and costs described in her Supplemental Guardian Ad Litem Report (*Doc. 55*) are **APPROVED** as fair and reasonable, and Plaintiffs' counsel and Defendants shall pay such fees and costs in equal amounts of \$1,422.69 , and such fees and costs shall be paid within thirty (30) days after entry of this order; and
5. The appointment of Gabrielle M. Valdez as guardian *ad litem* in this case is intended to confer upon her in this matter all the immunities and privileges available to a guardian *ad litem* as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 111 N.M. 391, 806 P.2d 40 (1991), and upon entry of this order her appointment shall cease and she shall have no further or continuing duties to the Court or the parties pursuant to such appointment.

IT IS SO ORDERED.



MARTHA A. VAZQUEZ
UNITED STATES DISTRICT JUDGE